

1 HONORABLE RONALD B. LEIGHTON  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA

13 JASON PAUL CHESTER,

14 Plaintiff,

v.

15 TACOMA COMMUNITY COLLEGE,

16 Defendant.

No. 12-cv-5473 RBL

ORDER DENYING IFP APPLICATION  
AND MOTION FOR SERVICE BY  
USMO

[Dkt. #s 3 and 9]

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18 Before the Court is Plaintiff Jason Paul Chester's application to proceed *in forma*  
19 *pauperis* [Dkt. #3], and Plaintiff's Motion for Service by USMO [Dkt. #9]. For the reasons set  
20 forth below, the Court **DENIES** these motions.  
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22 A district court may permit indigent litigants to proceed *in forma pauperis* upon  
23 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad  
24 discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil  
25 actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th  
26 Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed  
27 *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the  
28 action is frivolous or without merit." *Tripathi v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369

1 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*  
2 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*  
3 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.  
4 1984)).

5 Here, the Court recognizes that Plaintiff asserts a difficult personal situation. However,  
6 the Complaint presents no recognizable cause of action, and thus, lacks merit on its face.

7 **I. ORDER**

8 For the reasons stated above, the Court **DENIES** the application to proceed *in forma*  
9 *pauperis* [Dkt. #3]. Plaintiff has **15 days** to pay the filing fees or the case may be dismissed.  
10 Plaintiff’s Motion for Service by USMO [Dkt. #9] is **DENIED AS MOOT**.

11 DATED this 25<sup>th</sup> day of June, 2012

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Ronald B. Leighton

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14 Ronald B. Leighton  
United States District Judge  
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